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AO 91 (Rev. 11/11) Criminal Complaint

2017R00185

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 17-MJ-479 JTH

BRANDON MARK BJERKNES

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. In Beltrami County, in the State and District of Minnesota, Defendant:

- (1) On February 18, 2015, did knowingly employ, use, persuade, induce, entice, and coerce a known minor, specifically Victim #1, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means or facility of interstate and foreign commerce or in or affecting interstate or foreign commerce;
 - (2) On March 29, 2015, did knowingly distribute visual depictions using a means and facility of interstate commerce and that had been mailed, shipped, and transported in interstate commerce, by any means including by computer, where the production of such visual depictions involved the use of a known minor engaging in sexually explicit conduct and such visual depictions were of such conduct;
 - (3) On November 13, 2016, using a facility or means of interstate or foreign commerce, attempted to persuade, induce, entice, or coerce Victim #2, a known minor who had not yet attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense; and
 - (4) On March 19, 2017, did knowingly employ, use, persuade, induce, entice, and coerce a known minor, specifically Victim #3, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer;
- in violation of Title 18, United States Code, Sections 2251(a), 2252(a)(2), and 2422(b).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Complainant's signature

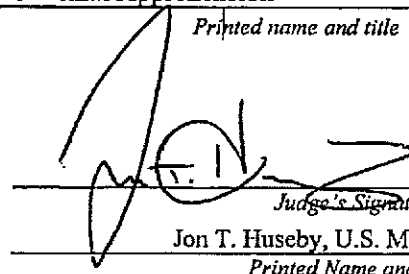
Adam Wright, Special Agent, Minnesota Bureau of
Criminal Apprehension

Printed name and title

Sworn to before me and signed in my presence.

Date: 5-30-2017

City and State: Bemidji, MN



Judge's Signature

Jon T. Huseby, U.S. Magistrate Judge

Printed Name and Title

SCANNED

MAY 30 2017

U.S. DISTRICT COURT MPLS

STATE OF MINNESOTA

17-MJ-479 JTH

ss. AFFIDAVIT OF ADAM WRIGHT

COUNTY OF BELTRAMI

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Minnesota Bureau of Criminal Apprehension (BCA), and have been so employed since February 2016. I am currently assigned to the Predatory Crimes Section, which is responsible for the investigation of sexual offenses, including investigations involving the sexual exploitation of children. Prior to working with the BCA, I was employed as a licensed police officer for ten years and worked in the capacity of a patrol officer, narcotics investigator, and most recently, a general investigator. During my career, I have conducted and participated in numerous investigations involving sexual offenses, child exploitation matters, child pornography, importation and distribution of narcotics, major financial crimes, death investigations, and other major felony level investigations. During these investigations, I have conducted physical surveillance, executed arrest and search warrants, reviewed electronic forensic evidence, and personally interviewed numerous sources of information. I have received training relating to the investigation of predatory offenses and human trafficking. I am also a Task Force Officer with the North Star Fugitive Task Force, which is a multi-agency task force led by the U.S. Marshals Service and was established to seek out fugitives and enforce federal predatory offender laws. As a task force officer, I am authorized to investigate violations of United

States laws and to execute warrants issued under the authority of the United States.

PURPOSE OF AFFIDAVIT

2. This Affidavit is submitted in support of a Complaint establishing probable cause to believe that BRANDON MARK BJERKNES committed the following federal violations:

- a. Production of Child Pornography, in violation of Title 18, United States Code, Section 2251(a), on February 18, 2015;
- b. Distribution of Child Pornography, in violation of Title 18, United States Code, Section 2252(a)(2), on March 29, 2015;
- c. Attempted Coercion and Enticement of a Minor, in violation of Title 18, United States Code, Section 2422(b) on November 13, 2016; and
- d. Production of Child Pornography, in violation of Title 18, United States Code, Section 2251(a), on March 19, 2017.

3. The facts set forth in this Affidavit are based on my review of reports, my personal investigation, and discussions I have had with other law enforcement personnel. The facts set forth herein contain information sufficient to support probable cause. This Affidavit is not intended to convey all of the facts learned during this investigation.

BACKGROUND OF INVESTIGATION

4. I have been investigating the on-line child exploitation activities of BJERKNES since April 2017. The Beltrami County Sheriff's Office began its investigation of BJERKNES in September 2016.

5. In September 2016, the Beltrami County Sheriff's Office was contacted by a parent concerned about his minor daughter's social media activities. The minor daughter is hereinafter referred to as "Minor A." The parent advised that Minor A engaged in an ongoing conversation via the Instant Messenger Application for Facebook and Snapchat with a subject by the name of "Brett Larson" in September 2016. During the social media-based conversations, Brett Larson told Minor A that he was a student at Morgan Park School in Duluth, Minnesota. In written Facebook conversations, Minor A and Brett Larson played a game of truth or dare, and Brett Larson dared Minor A to send photographs, which were sexual in nature, of her various body parts. At Brett Larson's prompting, Minor A sent him multiple photographs of herself via the Facebook Instant Messenger Application. Brett Larson also dared Minor A to watch a "porno clip," which he sent to her via the Snapchat Application.

6. Upon further investigation of Brett Larson's Facebook profile page, law enforcement determined that the page included a photograph of a juvenile boy, and the majority of his social media "friends" resided in and near Bemidji, Minnesota. Law enforcement performed an online reverse image lookup and determined that the image originated on deviantart.com, and the photograph is of a known 14-year-old boy, who lives in the United States. Law enforcement contacted the Duluth Public School District to confirm Brett Larson's attendance, and were advised that the Morgan Park School closed several years ago.

7. On January 10, 2017, law enforcement obtained an administrative subpoena

requesting all IP addresses and account information associated with Brett Larson's Facebook account from August 31, 2016 through October 1, 2016. The subpoena return identified that the account was registered to Brett Larson. The Internet Protocol (IP) address associated with Brett Larson's Facebook account during the subpoenaed timeframe was 96.2.168.87.

8. Midcontinent Communications is the internet service provider for IP address 96.2.168.87. In response to an administrative subpoena, Midcontinent Communications identified that IP address 96.2.168.87 was assigned to BRANDON BJERKNES at a residential address in Bemidji, Minnesota. According to the Minnesota Driver and Vehicle Services ("DVS") database, BJERKNES's driver's license identifies the same residential address in Bemidji, Minnesota.

9. BJERKNES was employed by the Bemidji Area Schools since approximately 2006. His most recent position was the Assistant Principal of Bemidji Middle School. He was the Assistant Principal at Bemidji Middle School for approximately three years, until he resigned in April 2017. BJERKNES held the Assistant Principal position during all times relevant to the offenses identified herein.

10. Based on the investigation to date, I believe that BJERKNES poses as a 13-15 year old male named "Brett Larson," and uses various social media profiles on Facebook and Snapchat with "decoy photographs" to contact minor females and males in middle school and high school. Using the Brett Larson alias profiles, BJERKNES directs minor females to send him naked photographs of their specific body parts or photographs of the

minor females engaged in specific sexual acts or poses via social media applications. In multiple instances, BJERKNES uses his iPhone to create a video of himself viewing sexually explicit pictures sent to him by minor females on the Snapchat application. BJERKNES also engages in written, sexually explicit conversations whereby he attempts to coerce or induce minor females to send him naked pictures of their specific body parts or engaged in specific sexual acts or poses via social media applications. BJERKNES also sends sexually explicit photographs and videos to minor females and males, including photographs of his own penis. On more than one occasion, BJERKNES distributed naked or sexually explicit photographs that he received of a known minor female to a known minor male via Facebook. BJERKNES used the "Brett Larson" social media accounts on Facebook and Snapchat to contact and communicate with the minor victims.

11. On March 20, 2017, state law enforcement authorities, executed a search warrant at BJERKNES's residence in Bemidji, Minnesota. Law enforcement seized a number of electronic devices, including BJERKNES's personal iPhone, an iPhone that BJERKNES referred to as his "school" or "work" phone, multiple iPads, a laptop computer, a desktop computer, and multiple external hard drives.

12. Law enforcement interviewed BJERKNES on March 20, 2017, during the execution of the search warrant at his residence. BJERKNES was informed of his *Miranda* rights and agreed to talk to law enforcement. BJERKNES confessed to creating the "Brett Larson" social media profiles on Facebook and Snapchat, and subsequently engaging in sexually explicit conversations with minors, including receiving sexually

explicit photographs of minors and sending sexually explicit photographs to minors. BJERKNES admitted that some of the minors that he contacted on social media were Bemidji Middle School students that he was familiar with because of his role as Assistant Principal at Bemidji Middle School. BJERKNES admitted that he used multiple electronic devices to access the "Brett Larson" social media account, including his personal iPhone, work iPhone, and his laptop and desktop computers.

13. Law enforcement has conducted a partial forensic review of the electronic items seized from BJERKNES's residence. The forensic review is on-going. Nonetheless, law enforcement found numerous videos containing minor females engaged in sexually explicit conduct. BJERKNES used one of his iPhones to create videos of himself using his second iPhone to view sexually explicit pictures sent to him by minor females on the Snapchat application. Based on my training and experience, I know that messages or "snaps" sent via Snapchat automatically disappear after they are viewed by the recipient. Because Snapchat photographs are deleted in a short period of time, it appears that BJERKNES used the second phone to create a permanent record of and to preserve the sexually explicit photographs that he received from the minor female victims.

14. In March 2017, state law enforcement also obtained and executed search warrants for the content of the "Brett Larson" Facebook account, and the "Brett Larson" Snapchat accounts, namely "brettlarson69" and "Brettlarson6969."

15. To date, based on the review of BJERKNES's "Brett Larson" social media accounts on Facebook and Snapchat, and BJERKNES's electronic devices, law

enforcement has identified more than 50 female and male victims. The victims are students from different middle schools and high schools, and from different geographic locations. All of the victims were under the age of 18 when they sent the naked photographs, were asked for naked photographs, or received sexually explicit photographs or videos from BJERKNES posing as Brett Larson.

Victim #1

16. Victim #1 was born in February 2002. She is currently 15 years old. She engaged in conversations with BJERKNES, posing as Brett Larson, on Facebook from approximately February 2015 through June 2015. At that time, Victim #1 was 13 years old and had communicated her age to BJERKNES in February 2015.

17. On February 18, 2015, BJERKNES, posing as Brett Larson, sent Victim #1 a picture of his erect penis, and then asked Victim #1 to send him a picture of her "pussy." Victim #1 then sent a close-up photograph of her vagina with the text "pussy" in white lettering in the picture. Throughout his conversations with Victim #1, BJERKNES asked her to send him sexually explicit photographs and engaged in sexually explicit conversations with her. Victim #1 sent BJERKNES various photographs of her body, including photographs depicting her face.

18. On March 29, 2015, BJERKNES, posing as Brett Larson, engaged in a conversation on Facebook with a known 15-year-old male. BJERKNES represented that he was a 15-year-old male from Duluth, Minnesota. BJERKNES repeatedly asked the minor male for photographs of naked girls so that BJERKNES could use the photographs

for masturbation purposes. During their conversation, BJERKNES sent the minor male the photograph of Victim #1's vagina, which he received from her on February 18, 2015.

19. On April 18, 2017, an Investigator with the Beltrami County Sheriff's Office met with Victim #1. Victim #1 was not interested in cooperating with the investigation, but did confirm her Facebook and Snapchat usernames, and confirmed that she uses both of these social media applications. The social media profiles identified by Victim #1 were the same profiles that engaged in conversations with Brett Larson in the search warrant returns from Facebook and Snapchat for the "Brett Larson" accounts. Based on the in-person meeting with Victim #1, law enforcement was able to confirm that Victim #1 is the minor female depicted in the photographs exchanged on Facebook with BJERKNES posing as Brett Larson.

Victim #2

20. Victim #2 was born in September 2003. She is currently 13 years old and in 8th grade. She engaged in conversations with BJERKNES, posing as Brett Larson, on Facebook and Snapchat from approximately July 2016 through November 2016. During this timeframe, Victim #2 was 12 and 13 years old and, in July 2016, told BJERKNES that she was in 7th grade.

21. Nearly all of BJERKNES's conversations with Victim #2 were sexual in nature, including graphic conversations about the sexual acts that he would like to engage in with Victim #2. Throughout these conversations, BJERKNES coerced and enticed Victim #2 to send him naked photographs of herself. He provided her with specific

instructions on what he wanted the photographs to depict. For example, on November 13, 2016, while chatting with Victim #2 on Snapchat, BJERKNES wrote "Can u sneak off so no one sees?" Victim #2 responded "No in the middle of a game." BJERKNES then wrote "Can u run to the bathroom to "pee" and snap one pic of ur pussy and head back." BJERKNES then continued with "And then I will have a pussy pic to cum too?" At this time, Victim #2 did not sent a photograph to BJERKNES.

22. On May 11, 2017, Investigators with the Beltrami County Sheriff's Office met with Victim #2. Victim #2 confirmed that she knows "Brett" as someone who is 13 years old and lives in Duluth. Victim #2 stated that she talked to "Brett" via Facebook and Snapchat and identified her various social media profiles. The social media profiles identified by Victim #2 were the same profiles that engaged in conversations with Brett Larson in the search warrant returns from Facebook and Snapchat for the "Brett Larson" accounts. Victim #2 explained that "Brett" requested that they continue their conversation on Snapchat so that they could exchange photos. Victim #2 stated that "Brett" sent her numerous photos of his penis and that she sent him photos of her vagina and breasts after "Brett" asked her to send photographs to him.

Victim #3

23. Victim #3 was born in March 2004. She is currently 13 years old and in 6th grade. She engaged in conversations with BJERKNES, posing as Brett Larson, on Facebook and Snapchat from approximately November 2016 through March 2017. During this timeframe, Victim #3 was 12 years old and, in November 2016, told

BJERKNES that she was 12 years old.

24. Victim #3 is one of the victims depicted in the videos located on BJERKNES's iPhone, as described above. At BJERKNES's direction, Victim #3 sent BJERKNES a series of photographs of her vagina via Snapchat. BJERKNES gave Victim #3 specific instructions about how he wanted Victim #3 to pose in the photographs. After receiving the "snaps" from Victim #3 on one of his iPhones, BJERKNES used his second iPhone to record himself viewing the sexually explicit photographs of Victim #3. The forensic analysis of BJERKNES's iPhone reveals that he created 10 videos of Victim #3 on March 12, 2017, and 1 video of Victim #3 on March 19, 2017.

25. On April 10, 2017, Investigators with the Beltrami County Sheriff's Office met with Victim #3. Victim #3 confirmed that she knows "Brett" as someone who is 14 years old and lives in Duluth. Victim #3 stated that she talked to "Brett" via Facebook and Snapchat and identified her various social media profiles. The social media profiles identified by Victim #3 were the same profiles that engaged in conversations with Brett Larson in the search warrant returns from Facebook and Snapchat for the "Brett Larson" accounts. Victim #3 explained that she first talked to "Brett" on Facebook after he "friended" her. They initially talked about sports, but then BJERKNES requested that they switch to Snapchat. Victim #3 said that "Brett" sent her photographs of his face, and eventually of his penis. BJERKNES subsequently asked Victim #3 for nude photographs, and encouraged and instructed her to send photographs of her vagina. In response to his prompting, Victim #3 sent a series of photographs of her vagina. Victim #3 reported that

she eventually “blocked” “Brett” on social media.

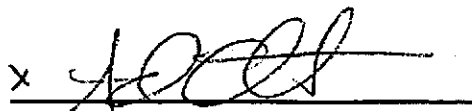
CONCLUSION

26. Based on the above, I believe probable cause exists that on February 18, 2015, BRANDON BJERKNES knowingly employed, used, persuaded, induced, enticed, and coerced a known minor, specifically Victim #1, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means or facility of interstate and foreign commerce or in or affecting interstate or foreign commerce, in violation of 18 U.S.C. § 2251(a).

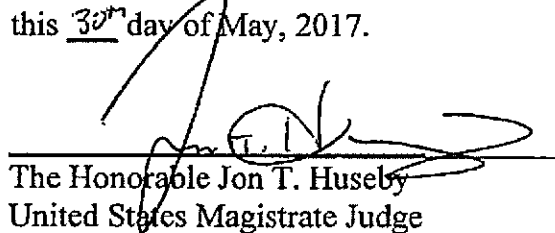
27. Based on the above, I believe probable cause exists that on March 29, 2015, BRANDON BJERKNES knowingly distributed visual depictions of Victim #1, using a means and facility of interstate commerce and that had been mailed, shipped, and transported in interstate commerce, by any means including by computer, where the production of such visual depictions involved the use of a known minor, namely Victim #1, engaging in sexually explicit conduct and such visual depictions were of such conduct, in violation of 18 U.S.C. § 2252(a)(2).

28. Based on the above, I believe probable cause exists that on November 13, 2016, BRANDON BJERKNES used a facility or means of interstate or foreign commerce to attempt to persuade, induce, entice, or coerce Victim #2, a known minor who had not yet attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense, in violation of 18 U.S.C. § 2422(b).

29. Based on the above, I believe probable cause exists that on March 19, 2017, BRANDON BJERKNES knowingly employed, used, persuaded, induced, enticed, and coerced a known minor, specifically Victim #3, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2251(a).

x 
Adam Wright, Special Agent
Bureau of Criminal Apprehension

Sworn and subscribed before me
this 30th day of May, 2017.


The Honorable Jon T. Huseby
United States Magistrate Judge